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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

June 12, 1996

Stanley T. Albright
Regional Director
Western Regional Office
National Park Service
600 Harrison St., Suite 600
San Francisco, CA 94107-1375

Dear Mr. Albright:

The Environmental Protection Agency (EPA) has reviewed the Supplement to the Draft General Management Plan Development Concept Plans Environmental Impact Statement (SDEIS) for the Organ Pipe Cactus National Monument, Arizona. We are submitting the following comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations implementing NEPA (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The National Park Service (NPS) examined an additional two alternatives to what had been presented in the previous DEIS. These were described as the "new ideas alternative" and the "new proposed action alternative" which is the new preferred alternative. The stated purpose for the General Management Plan (GMP) is to guide the overall management and use in ways that will best serve visitors and preserve the values of the monument. The alternatives address management policies for natural, historic, and cultural resources, plans for visitor use facilities, interpretive sites, exhibits, trail development and Monument operations. Both alternatives would entail upgrading the existing trail systems and the creation of new trails. The new preferred alternative discusses a program of expanded natural and cultural resource protection, and visitor uses and information regarding the Monument. The Supplement mentions a plan to return several developed areas to a wilderness state.

In many respects the actions being proposed are relatively specific, while the impact assessments for this GMP are stated generally. Site specific implementation measures are discussed in the SDEIS, (some trail realignments and developments, facilities designs and locations, and the like) yet the associated impacts are not clearly indicated and will, in many cases, be discussed and disclosed in subsequent studies, agreements, and planning. The DEIS does mention that some specific design and management issues which are not covered in this document will be addressed in future detailed plans and studies and therefore, EPA strongly suggests that more detailed

analyses of specific impacts on the biological resources, water, and other aspects of the environment is necessary on a project by project basis.

Prior to those future planning stages we strongly believe that more detailed information should be included in the Final EIS, such as wilderness and trail management, specific mitigation measures, and guidelines and procedures regarding erosion control, drinking and ground water, threatened and endangered species, and land use inside and outside the Monument. This information could then be utilized as a baseline reference for subsequent NEPA documents. Having this framework in the Final EIS will help other planning agencies, such as the county and tribal council understand the basis for later NEPA documents and will help identify what should be addressed in any future cooperative agreements between agencies.

We are concerned that the level of detail in the analysis of the impacts to the environment did not increase with the discussion of the two new additional alternatives analyzed in the Supplement. We encourage the NPS to continue their monitoring programs of the groundwater resources, the carrying capacity at the Quitobaquito springs and Alamo Canyon areas, and threatened and endangered species populations and possible mitigation measures. However, we believe that some of these studies and agreements should have been completed and included in this Supplement and the DEIS, such as the discussions with ADOT on methods for the reduction of wildlife mortality and poaching from SR 85, and the wilderness management plan as it applies to each alternative.


There were several suggestions made for the administration of Monument's resources, such as groundwater and Quitobaquito spring protection, in a 1988 Special report on Treaties, Agreements, and Accords Affecting Natural Resource Management at the Organ Pipe Cactus National Monument, by Carlos Nagel of the University of Arizona. Mr. Nagel also examined the treaties and relationship of the area to the Tohono O'odham Nation and Mexico. Neither the Supplement nor the DEIS made mention of this report, and we would suggest that the NPS may want to consider this source of information when examining the next round of management decisions, i.e., the Quitobaquito springs DCP.

We are concerned that this Supplement and the DEIS outline decisions that will be made before studies are completed which the NPS recognizes must be done in order to finalize decisions on some of their proposals. Therefore, due to the lack of a complete impacts analysis, and because studies of impacts and mitigation measures which will allow the NPS to make further decisions as to the management direction of the monument still need to be performed, we have rated this Supplemental DEIS EC-2 (Environmental Concerns--Insufficient Information; see attached rating sheet). Our detailed comments, which are attached, suggest expanding the discussion of several areas of concern. We

would like to meet with the National Park Service in order to discuss these concerns further and perhaps clarify the requirements of NEPA.

We appreciate the opportunity to review your Supplemental DEIS. As part of the Final EIS response to comments the NPS should respond to these comments as well as the ones submitted in our letter of July 10, 1995. Please send two copies of the Final EIS to this office when the document is officially submitted to EPA Headquarters. If you have any questions, please call me at 415-744-1566, or contact David J. Carlson at 415-744-1577.

Yours truly,


David J. Farrel, Chief
Office of Federal Activities

Attachments (2)
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cc: Superintendent, Organ Pipe Cactus National Monument
Carol Young, Environmental Manager, Tohono O'odham Nation
Sam Spiller, State Supervisor, USFWS, Phoenix, AZ

SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION

Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommend for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1-Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From: EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

General NEPA Comments

Purpose and Need

The Purpose and Need Statement from the DEIS was not modified in the Supplement and instead addressed the purpose and need only in terms of the reasons for providing a Supplement to the DEIS. The original Purpose and need statement did not clearly explain the need to change the current management practices being implemented in the Monument nor was there a sufficient discussion of the current conditions at the Monument. The NPS described a need for the plan in terms of recognition of the Monument as a unique global and regional park by UNESCO and through existing legislation for the Organ Pipe National Monument. A more thorough discussion of the need for the plan follows in a section titled "Direction for the Plan", but there is no brief, concise statement of the need for the Plan following the statement of purpose. An appropriate need statement should briefly identify the fact that the Monument is receiving more and more annual visitors, that there are potential impacts upon the Monument due to the passage of NAFTA, and that there is no current comprehensive management plan in place being implemented by the NPS to address preservation of the Monument's natural and cultural resources while ensuring a quality visitor experience. We recommend that the NPS formulate a brief statement in the Final EIS (FEIS), that will clearly summarize the Purpose and Need for the General Plan. We also recommend that in the Final EIS, the NPS provide a detailed analysis of the current conditions of the Monument in one section of the document.

Mitigation

As we stated in our previous comment letter on the DEIS, a programmatic-level EIS, such as a General Management Plan, should provide a framework for more detailed plans and studies including mitigation measures to minimize the impacts from the implementation of the various parts of the project. The FEIS should discuss direct and indirect impacts on areas where the NPS knows there will be development and trail management and the measures that will be employed to mitigate those impacts. The NPS should refer to the CEQ regulations implementing NEPA, 40 CFR 1500-1508, specifically sections 1502.14(f), and 1508.20, regarding terms to use when discussing mitigation.

Since the NPS plans to implement these projects over the next seven to nine years, we suggest that the FEIS discuss any

foreseeable changes (in existing site design and location plans), which could either affect the priorities identified in the DEIS or introduce significant new resource management issues. The FEIS should explain how the NPS will monitor impacts from these projects to ensure consistent management techniques are applied throughout the monument.

The FEIS should identify spatially or temporally related projects and should address cumulative and indirect impacts, including all potential impacts that may be out of the control of the NPS (40 C.F.R. 1508.7 and 1508.8).

Carrying capacity

The original DEIS indicated that the Monument's carrying capacity was determined, yet that information was referred to only in the discussion of the proposed alternative. An appendix to the Supplement offered the data that was collected in a table indicating the carrying capacity of particular areas. However, the data indicated number of parties, without defining party size in terms of people and time frame of visitation. We recommend that the FEIS contain a detailed discussion of the numbers presented in the table and what those capacities mean to the management of the resources in those areas. We are encouraged that the NPS plans to conduct a carrying capacity study for the Quitobaquito springs area to determine the level of visitor use, however we suggest that this study should have been performed as part of the DEIS process. Including the results of the study would have allowed the NPS decision maker and the public to make a better informed choice among the alternatives. We recommend that in the FEIS, the NPS discuss the results of the study if its complete or the elements that will be examined.

Land use plans

Neither the DEIS nor the Supplement identified conflicting land uses in any of the federal, state, or tribal lands within or around the Monument and the potential effects from land use decisions by these other entities. Please refer to our comments on the DEIS. The FEIS should discuss the wilderness management plans currently being employed at the Cabeza Prieta National Wildlife Refuge, and disclose the agreements between the NPS and the USFWS as to the management decisions regarding the shared wilderness areas. The FEIS should also, discuss in much greater detail the impacts of an increase in visitors and changes in the Monument upon the Lukeville area, including induced growth. The FEIS should address if there is an adequate infrastructure in

Lukeville to accommodate more people and if not, what are some of the possible remedies that may be employed.

Wilderness Areas

Both the DEIS and the Supplement identified that 95% of the Monument was designated as Wilderness, and both documents stated that a wilderness management plan would be prepared. We believe that since such a large portion of the monument is designated as wilderness area that the wilderness management plan should have been included in the DEIS and this Supplement. By having both the wilderness management plan included in the GMP it would have enabled all parts of the monument to be examined in a cohesive manner providing for better decisions for the overall management direction of the monument. We recommend that the FEIS include a schedule for the wilderness management plan and state that the NPS will release the plan as a subsequent NEPA document. Also, the FEIS should discuss the mandatory criteria and guidelines for management of the wilderness areas, the current system of wilderness management at the Monument, and identify the specific wilderness management zones. We also remind the NPS that the decisions made in the wilderness management plan should support the decisions indicated here in the General Management Plan and that the GMP should not bias possible alternatives for wilderness management.

Quitobaquito Wetland

We feel that the NPS should more carefully analyze the impacts from having a maintained trail system in this area. We encourage the NPS to complete the carrying capacity analysis, suggested in the SDEIS, to determine the numbers of visitors that the area can support without damage to the ecosystem and elaborate further on the potential impacts from a change in visitation to the area.

Threatened and endangered species

EPA strongly encourages the NPS's continued coordination with the Fish and Wildlife Service in identifying Threatened and Endangered species, in accordance with the Endangered Species Act. We note that the USFWS identified the T & E species and species of concern that are within the monument. The Supplement did not discuss or suggest mitigation techniques for the species found in the Quitobaquito area or for any other T & E species that may experience adverse impacts, yet indicates that further study and monitoring will be performed and mitigation measures

will be proposed at that time. We recommend that the NPS conduct the Endangered Species Act Section 7 consultation with the Fish and Wildlife Service and include the results of the consultation in the FEIS. Further mitigation techniques should be discussed and outlined so that will be a reference for future development projects.

Mitigation Measures

The Supplement discussed problems with poaching of native flora and fauna, theft and vandalism at Historic sites, and animal mortality due to Highway 85. Yet, the document does not discuss in any detail the mitigation measures that the NPS will utilize to reduce these impacts. We suggest that the FEIS indicate what procedures the NPS has explored in an effort to reduce the impacts on the Monument's resources. For example, the FEIS should discuss the arrangements that NPS has made with ADOT to regarding the possibility of modifying the road by constructing culverts under Highway 85 or implementing a driver education effort, particularly in the area of the Mexican Rosy Boa habitat, in order to reduce the rate of mortality caused by the reptiles crossing the road.

Working closely with Tribal Authorities

We commend the NPS for recognizing and including a discussion of the Executive Order 12898, **Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations** (EO 12898). We recommend that the NPS continue to work closely with the tribal councils and governments in the area and recommend that the FEIS discuss any agreements that were reached between the NPS and the Tribal authorities. The NPS should notify the tribal governments of any proposed trail alignments and developments well in advance of construction so that the tribes have ample opportunity to notify the NPS of the suitability of the alignment. The NPS should also ensure that the Tribal governments have access to all public information relating to the environmental planning of the Monument.

WATER RESOURCES

The Supplement discusses that the New proposed action alternative will disturb approximately 50 acres with development and construction activities. We are concerned the NPS does not offer an erosion control plan to be implemented within the monument. If greater than five acres of land are disturbed by construction activities, project development, or project related

land disturbances, then these activities described in the Supplement and the DEIS could trigger the NPDES permitting requirements. According to the requirements in 40 CFR section 122.26 (b)(14)(x), the actions described may be subject to the General NPDES permit # AZR100000 for Discharge of Storm water runoff associated with construction activities. The NPS should complete and file the NOI with the EPA Clearinghouse and must develop and implement a Storm water pollution prevention plan containing Best Management Practices (BMPs) prior to commencing any construction. We recommend that the NPS place a preliminary erosion control plan in the Final EIS as the reference for future environmental documents. We recommend that the NPS describe such BMPs and commit to implementing them in the Record of Decision (ROD).

The Supplement does not state the level of direct or indirect impacts to wetlands. The FEIS should address the impacts that Monument and trail developments may have on the Quitobaquito wetland area in greater detail. It would be prudent to discuss the current wetland management techniques that are used, and to incorporate any appropriate management techniques into the FEIS. If you have specific questions concerning wetlands, please contact Mr. Jeff Rosenbloom, Chief, Wetlands and Sediment Management section at (415) 744-1962.

We recommend that the NPS further elaborate on the water conservation program and the groundwater studies being performed at the monument now. We also recommend that in the FEIS the NPS provide greater detail on the impacts that have been experienced by the monument as a result of agricultural drawdowns from the Rio Sonoyta watershed. The NPS should also discuss possible agreements and actions that can be taken to reduce these impacts to the water systems inside and outside the monument. The water resources inventory that was eluded to in the Supplement should be included in either the FEIS or a subsequent NEPA document.

The Supplement indicates that a water conservation program will be implemented in the Monument. We recommend that the NPS outline this water conservation program and commit to its implementation in the FEIS.

land disturbance, then these activities described in the Supplement and the EIS could trigger the NPS permit requirements. According to the requirements in 48 CFR section 123.25 (b) (1) (x), the actions described may be subject to the General NPS permit 48100000 for Discharge of Storm Water runoff associated with construction activities. The NPS should complete and file the NOI with the EPA Clearinghouse and must develop and implement a Storm Water Pollution Prevention Plan containing Best Management Practices (BMPs) prior to commencing any construction. We recommend that the NPS place a preliminary erosion control plan in the Final EIS as the reference for future environmental documents. We recommend that the NPS describe such BMPs and commit to implementing them in the Record of Decision (ROD).

The Supplement does not state the level of direct or indirect impacts to wetlands. The EIS should address the impacts that Monument and trail developments may have on the Quilapato wetland area in greater detail. It would be prudent to discuss the current wetland management techniques that are used, and to incorporate any appropriate management techniques into the EIS. If you have specific questions concerning wetlands, please contact Mr. Jeff Rosenbloom, Chief, Wetlands and Sediment Management section at (415) 744-1962.

We recommend that the NPS further elaborate on the water conservation program and the groundwater studies being performed at the monument now. We also recommend that in the FEIS the NPS provide greater detail on the impacts that have been experienced by the monument as a result of agricultural drawdown from the Rio Sonoyta watershed. The NPS should also discuss possible agreements and actions that can be taken to reduce these impacts to the water systems inside and outside the monument. The water resources inventory that was added to in the Supplement should be included in either the FEIS or a subsequent NEPA document.

The Supplement indicates that a water conservation program will be implemented in the Monument. We recommend that the NPS outline this water conservation program and commit to its implementation in the FEIS.